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08/002,090 01/08/93 MCMASTER

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EXAMINER

WOODARD, J

13M1/1012

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ART UNIT PAPER NUMBER

20

1303

DATE MAILED:
10/12/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-25 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-25 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit 1303

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification, as originally filed, does not provide support for the invention as is now claimed in claims 17-25.

Newly presented claims 21-25 have no support for an oven having a heating and bending section as claimed. The original disclosure merely describes a glass heating furnace for heating a glass sheet prior to being received by the bending and tempering apparatus of the present invention. Further, there is no enablement for bending a heated glass sheet with longitudinal rows of "mini-rolls". Note the original disclosure describes deformable ~~plates~~^{ns} formed from the quench tubes and the drive/idler wheels ^{for} ~~from~~ engaging and indexing the heated, flat glass sheet into the bending and tempering apparatus, oscillating the glass sheet during the bending and subsequent tempering, and thereafter indexing the bent and tempered glass sheet out of the

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apparatus. The entire arrangement of quench tubes/wheels is necessary for bending as disclosed. Further, note there is no support for separate or distinct actuator means (i.e. claims 23 and 24) for the rows of "mini-rolls" (drive/idler wheels) and for the rows of quench tubes since these are a unit (i.e. platen) under the original disclosure. The quench tubes simply do not change to "a quench position" where they have the same contour as the top surface of "the bent glass sheet"; see claim 20 also. Lastly, note claims 21-25 are not enabled without upper and lower deformable platens for bending a heated glass sheet therebetween.

Claim 17 has no support for quench openings that are "conformable" to the glass sheet when the rows "move". The tubes in each row move to bend the glass sheet; the quench openings in the tubes merely move with the tubes in each row. Further, note claim 17 still refers to "a bent glass sheet therebetween", yet there is no enablement to form a tempering apparatus for receiving and tempering a bent glass sheet. Bending of the glass sheet using the disclosed apparatus is required prior to tempering of the bent glass sheet therein; note claims 18 and 20 also.

Claim 18 has no support from the original disclosure for the quench openings of the first and second platen "opposing each

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other".

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Claim 20 has no support for a "lengthwise" support for each row of quench tubes. The supports extend across the length of the tubes.

Claims 17-25 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 has no antecedent basis for the quench section, the "lower" support or the upper support.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 22 and 25 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Owen.

If it could be persuasively argued that Owen does not meet "adjacent" heating/bending sections in the oven, note modifying Owen by providing separate heating and bending sections would have been obvious notwithstanding the additional space

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requirements.

Claims 1-19 are rejected on the ground of double patenting previously explained on pages 13 and 14 of the first Office action.

In view of the fact that amendments have been made to the claims and the specification, a new/supplemental oath or declaration complying with 37 C.F.R. § 1.175(a)(1), (a)(2) and/or (a)(3), (a)(5), (a)(6), and (a)(7) is required.

The reissue oath or declaration filed with this application is defective because it fails to contain a statement that the applicant believes the original patent to be wholly or partially inoperative or invalid, as required under 37 C.F.R. § 1.175(a)(1).

The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5).

The reissue oath or declaration filed with this application is defective because it fails to particularly specify how the errors relied upon arose or occurred, as required under 37 C.F.R. § 1.175(a)(5).

Every departure from the original patent represents an "error" in the original patent under 35 U.S.C. 251 and must be .

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particularly and distinctly specified and supported in either the original or a supplemental oath or declaration under 37 CFR

1.175. Any subsequent changes in the specification or claims require an updated supplemental oath or declaration specifically directed to and supporting these changes.

As set forth in the first Office action, the reissue oath or declaration must particularly specify (1) the excess or insufficiency in the claims and (2) how the reissue overcomes the defect in the original patent, e.g. describe how the newly presented or amended claims differ from those of the original patent. The reissue declarations of record do not address, in the above manner, the changes to patent claims 1, 15 and 16 and new claims 17-25 as presented in the amendment filed 12-14-92. Further, note the reissue declarations of record do not address the changes made to the specification.

Also, note the declarations of record state "inoperative" rather than "inoperative or invalid" as required by MPEP 1414.01. See the fourth paragraph on page 10 of the first Office action.

Applicant's arguments filed 12-14-92 have been fully considered but they are not deemed to be persuasive.

Applicant should note that the disclosure on col. 2, lines 38-42, does not support the claimed tempering apparatus in that

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"movable quench openings that move with the surfaces of the flat glass sheet" is nothing more than a description of the movement of the quench tubes relative to the surface of the glass sheet during deformation of the platens for bending the glass sheet. The disclosed apparatus is for bending the flat glass sheet followed by tempering of the bent glass sheet. The sheet must be received by the apparatus in a flat, heated condition for bending prior to tempering of the bent glass sheet in place, i.e. bending is essential for enable tempering. As set forth in the first Office action, failure to omit a limitation is not "error", where the claims can only be enabled with the limitation present. Claims directed to an invention different from that of the patent are not proper for the filing of a reissue application; see MPEP 1412.01 and 1450, and pages 15 and 16 of the first Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Woodard whose telephone number is (703) 308-2050.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Joye Woodard
JOYE L. WOODARD
PRIMARY EXAMINER
ART UNIT 133
10-12-93

J. Woodard/krb
October 07, 1993